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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: Case No. 1D 2002 63156

THERESA VAN VRANKEN
2049 Lake Shore Avenue
Los Angeles, CA 90039

A C C U S A T I O N

Physical Therapist License Number PT 23446

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about August 31, 1998, the Physical Therapy Board of California (Board) issued Physical Therapist License Number PT 23446 to Theresa Van Vranken (Respondent). The Physical Therapist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2004, unless renewed.

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JURISDICTION

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3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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4. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the  licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.®

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5. Section 2239 of the Code states:

A(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

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A(b) A plea or verdict of guilty or a conviction following a plea of nolo

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1 contendere is deemed to be a conviction within the meaning of this section. The Division
2 of Medical Quality may order discipline of the licensee in accordance with Section 2227
3 or the Division of Licensing may order the denial of the license when the time for appeal
4 has elapsed or the judgment of conviction has been affirmed on appeal or when an order
5 granting probation is made suspending imposition of sentence, irrespective of a
6 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such
7 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
8 aside the verdict of guilty, or dismissing the accusation, complaint, information, or
9 indictment.@

10 6. Section 2660 of the Code states:

11 AThe board may, after the conduct of appropriate proceedings under the
12 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
13 probationary conditions upon, or issue subject to terms and conditions any license, certificate, or
14 approval issued under this chapter for any of the following causes:



15 A. . .

16 A(d) Conviction of a crime which substantially relates to the
17 qualifications, functions, or duties of a physical therapist. The record of
18 conviction or a certified copy thereof shall be conclusive evidence of that
19 conviction.

20 A. . .

21 A(i) Conviction of a violation of any of the provisions of this chapter or of
22 the State Medical Practice Act, or violating, or attempting to violate, directly or
23 indirectly, or assisting in or abetting the violating of, or conspiring to violate any
24 provision or term of this chapter or of the State Medical Practice Act.@

25 7. Section 2661 of the Code states:

26 AA plea or verdict of guilty or a conviction following a plea of nolo contendere
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made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.@

8. Section 2661.5, subdivision (a), of the Code states:

A(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.@



FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

9. Respondent is subject to disciplinary action under Code section 2660, subdivision (d), in that she has been convicted of a crime substantially related to the qualifications, functions, and duties of a physical therapist in that she pled nolo contendere to one count of driving under the influence of alcohol and to one count of hit and run where property damage has occurred. The circumstances are as follows:

10. On or about December 27, 2001, in a criminal proceeding entitled *People of the State of California v. Teresa Lynn Van Vranken* in the Municipal Court of Beverly Hills Judicial District, County of Los Angeles, case number 1BH01686, Respondent was convicted following a plea of nolo contendere of (1) driving under the influence of alcohol in violation of

1 Vehicle Code section 23512, subdivision (b), a misdemeanor, and (2) hit and run where property
2 damage has occurred in violation of Vehicle Code section 20002, subdivision (a), a
3 misdemeanor. As to the conviction based on the violation of Vehicle Code section 23152,
4 subdivision (b), the Court sentenced Respondent to 45 days of county jail, summary probation of
5 36 months, and various fines and penalty assessments. As to the conviction based on the
6 violation of Vehicle Code section 20002, subdivision (b), the Court sentenced Respondent to 15
7 days of county jail, summary probation of 36 months, completion of a drunk driving program,
8 and various fines and penalty assessments. The convictions were based on the facts described in
9 paragraphs 11 through 13, inclusive, below.

10 11. On or about October 27, 2001, at about 2:50 a.m., Respondent was driving
11 eastbound on Santa Monica Blvd. in the City of West Hollywood. Respondent had just left the
12 scene of a traffic accident in which she had rear-ended a Chevy Cavalier without stopping to
13 exchange information.

14 12. Los Angeles County Sheriff=s deputies observed her vehicle come to an
15 abrupt stop and made a U-turn in an attempt to follow her. Respondent=s vehicle then veered to
16 the left and struck the center median. Respondent=s vehicle traveled a distance of 130 feet,
17 damaging plants and sprinklers on the center median before coming to a stop. As the deputies
18 approached Respondent=s vehicle, they observed Respondent continue to accelerate in an
19 attempt to drive away.

20 13. The front of Respondent=s vehicle was engulfed in smoke and the
21 deputies feared the vehicle may catch fire. Therefore, they pulled Respondent out of the vehicle.
22 The deputies smelled the strong odor of alcohol on Respondent=s breath. Respondent was non-
23 responsive to questioning and appeared to be in a drunken stupor. Respondent was unable to
24 perform any field sobriety testing. Later, she was given a Preliminary Alcohol Screening (PAS)
25 breath test. Respondent=s PAS breath test results measured samples of .224 and .215 B.A.C.
26 Later, at the West Hollywood Sheriff=s station, Respondent was given a Datamaster Breath Test.

1 The Datamaster Breath Test measured Respondent=s breath samples at .21 and .19 B.A.C.

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SECOND CAUSE FOR DISCIPLINE

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(Conviction of a Crime)

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THIRD CAUSE FOR DISCIPLINE

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(Use of Alcohol to an Extent Dangerous to the Public)

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16. Respondent is subject to disciplinary action under Code section 2239, subdivision (a), in conjunction with Code section 2660, subdivision (i), in that she has used alcoholic beverages in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public or that she has sustained more than one misdemeanor conviction involving consumption of alcohol. The circumstances are as follows: 

17. The facts and allegations in paragraphs 9 through 15, inclusive, are incorporated here by reference.

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FOURTH CAUSE FOR DISCIPLINE

(Mental Illness Affecting Competency)

18. Respondent is subject to disciplinary action under Code section 820 in that she has been diagnosed with bi-polar disorder, depression, and impulsive behavior. The circumstances are as follows:

19. The facts and allegations in paragraphs 9 through 15, inclusive, are incorporated here by reference.

20. In a letter dated September 12, 2002, Respondent informed the Board:
A. . . I was diagnosed with bi-polar disorder, depression, and impulsive behavior. My depression and impulsive behavior led me to once again alcoholic behavior after approximately 14 years of sobriety.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

1. Revoking or suspending Physical Therapist Number PT 23446, issued to Theresa Van Vranken;

2. Ordering Theresa Van Vranken to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5; and

3. Taking such other and further action as deemed necessary and proper.

DATED: June 3, 2003

Original signed by Steven K. Hartzell
STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California

Department of Consumer Affairs
State of California
Complainant

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